

# EPA memorandum details dysfunction on Libby team

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A recently released 2006 memorandum by an agent with the Environmental Protection Agency's Office of Inspector General provides insights into a dysfunctional and at times hostile relationship between agency scientists and project managers charged with implementing the cleanup of asbestos-contaminated vermiculite in Libby.

The internal memorandum by Special Agent Cory Rumble was released last week in response to a lawsuit filed by the watchdog group Public Employees for Environmental Responsibility. PEER filed suit under the Freedom of Information Act following several unsuccessful attempts to obtain the report.

The EPA also released another document by Rumble clarifying the circumstances under which the 2006 document was

issued. Rumble noted that the memorandum, which has been referred to in the press as "the Rumble Report," was intended to provide the impetus for a possible OIG evaluation of the Libby cleanup and was never intended for public dissemination. The memorandum led to both an audit that concluded that the EPA needed to complete a toxicity assessment for Libby amphibole asbestos and a 21-month criminal investigation that ended with no charges being pursued.

Rumble's 2006 investigation was sparked by allegations of inadequate scientific standards and possible contractor misconduct associated with the Libby cleanup. Concerns centered on cleanup methods being used inside homes and in residential yards. Rumble found that no criminal activity

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# Memorandum

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had taken place but that there were "communication gaps and procedural ideology differences" among members of the EPA's Libby team that required further attention.

During the investigation, Rumple heard sharp criticism from EPA scientists of documents distributed by the agency to the public, including a brochure titled "Living with Vermiculite" and "comfort letters" given to people whose property had been cleaned.

EPA toxicologist Chris Weis told Rumple the "Living with Vermiculite" brochure contained untruths, specifically a section minimizing the risks associated with short-term exposures. Weis told Rumple the document contained "double speak" and that in his opinion it was "unconscionable" to write a document with such language.

Dr. Aubrey Miller of the EPA's Technical Assistance Unit called the comfort letters "totally disingenuous" and added that the standards references in the letters are those used for a "removal action" and not a "remedial action." Miller told Rumple that the fact that the TAU was not consulted before the letters were disseminated illustrated the disconnect between agency scientists and project managers.

An EPA chemist, not named in Rumple's report, called the comfort letters "exceptionally deceiving," and another toxicologist, also not named in the report, told Rumple the language in the letters was "premature" and lacking in scientific support.

Miller and other members of the TAU also expressed concerns that insufficient sampling data had been collected to support an accurate risk assessment.

Conclusions made by the agency's project managers regarding risks associated with Libby amphibole asbestos exposed

the possibility of individual liability for what could be incorrect assertions, Rumple reported. The memorandum pointed out a court ruling that former EPA head Christine Todd Whitman could be sued for making statements on behalf of the EPA minimizing the health risks associated with exposure to asbestos following the destruction of the World Trade Center towers on Sept. 11, 2001.

Max Dodson, assistant regional administrator for the EPA, and project manager Peggy Churchill expressed frustration with the amount of understanding and cooperation given to them from EPA headquarters, Rumple reported. They told Rumple that their jobs had been complicated by a limited budget for cleanup and scientific investigation, combined with ambitious deadlines for a risk assessment and a record of decision. They said technical input from EPA scientists had been lacking and had contributed to the disconnect between the TAU and the project managers.

But another project manager, Bonnie Lavelle, told Rumple the Libby team was not functioning properly and was ignoring scientific data. Lavelle, who had been a project manager for 16 years and was assigned to manage EPA operations at the former vermiculite mine outside Libby, said the process involved with the Libby cleanup was "completely different" from common EPA practices and that she abandoned the project because of her mounting frustration. Lavelle said the relationship between the TAU and the project managers had degenerated to the point of personal attacks.

Former project manager Jim Christiansen, who at the time of Rumple's report had recently left the EPA, told Rumple that there was a division between the TAU and the project managers and that the scientists

did not understand the aspect of decision making. Christiansen said he needed to make decisions and that TAU scientists, by arguing risks to the "99th degree," stalled the cleanup process. Christiansen also said that Dr. Aubrey Miller, who was serving as the EPA's senior medical officer for the Libby site, was not a toxicologist and was not qualified to make solid recommendations on the cleanup, Rumple reported.

Rumple's memorandum concluded that while additional criminal investigation was unwarranted, the communications and procedural issues should be assessed by the EPA's Office of Program Evaluation.

Following the disclosure of Rumple's memorandum, PEER executive Jeff Ruch said the report "raises more questions than it answers, including why it was hidden from the public."

Ruch raised the question of why, despite Rumple's conclusion that the Libby problems did not constitute criminal misconduct, the agency opened a 21-month criminal investigation resulting in a referral that was declined by federal prosecutors.

"As a result of the Inspector General pursuing a fruitless criminal inquiry, today we still do not have a clear idea of whether the Libby clean-up is protective of the public," Ruch said. "Nor do we have any assurances that EPA will not repeat the same mistakes tomorrow."